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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/809,221	03/25/2004	Calvin Hanna	06642.105001 CON 2 6553		
75	03/24/2005	EXAMINER			
Clark G. Sullivan, Esq.			CHOI, FRANK I		
KING & SPAL 45th Floor	DING LLP	ART UNIT	PAPER NUMBER		
191 Peachtree Street, N.E.			1616		
Atlanta, GA 30303			DATE MAILED: 03/24/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply			Application	on No.	Applicant(s)					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Beth size (i) INDIVISION to the analing date of this communication. If the period for reply separated devore, the maximum studiory period with party and will expect (50 MONTH) (Short the rating date of this communication. If the period for reply separated devore, the maximum studiory period will have been the mailing date of this communication. If the period for reply separated devore, the maximum studiory period will apply and will expect (50 MONTH) (Short the matting date of this communication or reply separate the mailing date of this communication, even if timely filled, may reduce any seared patient than substance that substance the mailing date of this communication, even if timely filled, may reduce any seared patient than substance that substance the mailing date of this communication, even if timely filled, may reduce any seared patient than substance that substance the mailing date of this communication, even if timely filled, may reduce any seared patients. Application is FINAL. 2b) This action is non-final. 3) Status 1) Responsive to communication(s) filled on	Office Action Summary		10/809,22	21	HANNA, CALVIN	L				
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Cher:	3) Inform	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/		5) Notice of Informal Pa		152)				

Application/Control Number: 10/809,221

Art Unit: 1616

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,723,714 or claims 1-12 of US Pat. 6,777,401. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of said US Patents disclose a clear stable one phase solution that is non-irritating and resistant to freezing comprising between about 30% and about 50% water, propylene glycol, 2-propanol or ethanol and hydrocortisone in amount of about 1.2%, and can additionally contain amounts of chloroxylenol, pramoxine or mineral oil, which amounts of said components set forth in said claims of the US Patents fall within the scope of or overlap the claims of the present invention.

پورې کارې کې Application/Control Number: 10

Art Unit: 1616

Conclusion

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a flexible schedule. However, Examiner may generally be reached Monday-Friday, 8:00 am – 5:30 pm (EST), except the first Friday of the each biweek which is Examiner's normally scheduled day off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Gary Kunz, can be reached at 571-272-0887. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). FIC

March 21, 2005

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